

112TH CONGRESS
2D SESSION

S. 3549

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide grants for the revitalization of waterfront brownfields, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 13, 2012

Mrs. GILLIBRAND introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide grants for the revitalization of waterfront brownfields, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Waterfront
5 Brownfields Revitalization Act”.

1 **SEC. 2. WATERFRONT BROWNFIELDS GRANT.**

2 Section 104(k) of the Comprehensive Environmental
3 Response, Compensation, and Liability Act of 1980 (42
4 U.S.C. 9604(k)) is amended—

5 (1) by redesignating paragraphs (4) through
6 (11) and (12) as paragraphs (5) through (12) and
7 (14), respectively;

8 (2) in paragraph (3)(A), by striking “para-
9 graphs (4) and (5)” and inserting “paragraphs (5)
10 and (6)”;

11 (3) by inserting after paragraph (3) the fol-
12 lowing:

13 “(4) GRANTS FOR WATERFRONT BROWNFIELDS
14 REVITALIZATION.—

15 “(A) DEFINITION OF WATERFRONT
16 BROWNFIELDS SITE.—In this paragraph, the
17 term ‘waterfront brownfields site’ means a
18 brownfields site that is adjacent to a body of
19 water.

20 “(B) PROGRAM.—Subject to paragraphs
21 (5) and (6), the Administrator shall establish a
22 program to provide grants to eligible entities or
23 nonprofit organizations to be used in accord-
24 ance with subparagraph (C) for 1 or more wa-
25 terfront brownfields sites.

1 “(C) USE OF FUNDS.—A grant under this
 2 paragraph may be used for reuse planning, site
 3 characterization and assessment, or remediation
 4 at waterfront brownfields sites, including the in-
 5 tegration of activities related to the design and
 6 implementation of water quality improvements,
 7 low impact development approaches, green in-
 8 frastructure, remediation and management of
 9 sediments, or flood damage prevention associ-
 10 ated with brownfields remediation and reuse.”;

11 (4) in paragraph (5)(A) (as redesignated by
 12 paragraph (1)), by adding at the end the following:

13 “(iii) WATERFRONT BROWNFIELDS
 14 REVITALIZATION.—A grant made to an eli-
 15 gible entity or nonprofit organization
 16 under paragraph (4) may not exceed
 17 \$500,000.”;

18 (5) in paragraph (7)(A) (as redesignated by
 19 paragraph (1)) by inserting “waterfront brownfields
 20 revitalization,” after “community involvement,”; and

21 (6) by striking paragraph (14) (as redesignated
 22 by paragraph (1)) and inserting the following:

23 “(13) ANNUAL REPORT.—The Administrator
 24 shall submit to the Committee on Environment and
 25 Public Works of the Senate and the Committee on

1 Energy and Commerce and the Committee on
 2 Transportation and Infrastructure of the House of
 3 Representatives an annual report on the implemen-
 4 tation of the brownfield site characterization and as-
 5 sessment grant program under this subsection.

6 “(14) FUNDING.—

7 “(A) AUTHORIZATION OF APPROPRIA-
 8 TIONS.—There is authorized to be appropriated
 9 to carry out this subsection \$220,000,000 for
 10 each of fiscal years 2013 through 2017.

11 “(B) USE OF CERTAIN FUNDS.—Of the
 12 amount made available under subparagraph (A)
 13 for a fiscal year, \$55,000,000, or, if the amount
 14 made available is less than \$220,000,000, 25
 15 percent of the amount made available, shall be
 16 used for site characterization, assessment, and
 17 remediation of facilities described in section
 18 101(39)(D)(ii)(II).

19 “(C) WATERFRONT BROWNFIELDS REVI-
 20 TALIZATION.—There are authorized to be ap-
 21 propriated to carry out paragraph (4) such
 22 sums as are necessary.”.

23 **SEC. 3. TASK FORCE.**

24 (a) ESTABLISHMENT.—The Administrator of the En-
 25 vironmental Protection Agency shall establish and serve

1 as chairperson of a task force on the revitalization of wa-
2 terfront brownfields (as defined in section 104(k)(4) of the
3 Comprehensive Environmental Response, Compensation,
4 and Liability Act of 1980) (as added by section 2(3)).

5 (b) MEMBERSHIP.—Members of the task force shall
6 include representatives who have expertise in waterfronts
7 or brownfields revitalization, including representatives
8 from—

9 (1) the Environmental Protection Agency;

10 (2) the National Oceanographic and Atmos-
11 pheric Administration;

12 (3) the Corps of Engineers;

13 (4) the Department of Transportation;

14 (5) the Department of Housing and Urban De-
15 velopment;

16 (6) the Economic Development Administration;

17 (7) the United States Fish and Wildlife Service;

18 (8) State and local governments;

19 (9) community-based organizations and other
20 interested parties; and

21 (10) any other agency or entity the Adminis-
22 trator determines to be appropriate.

23 (c) DUTIES.—The task force shall identify—

1 (1) existing and potential funding and technical
2 assistance resources for waterfront brownfields re-
3 vitalization;

4 (2) barriers to and solutions for waterfront
5 brownfields revitalization; and

6 (3) methods to coordinate interagency efforts
7 for waterfront brownfields revitalization.

8 (d) REPORT.—Not later than 3 years after the date
9 of enactment of this Act, the Administrator of the Envi-
10 ronmental Protection Agency shall submit to the appro-
11 priate committees of Congress a report describing the
12 findings of the task force on improving waterfront
13 brownfields revitalization.

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